

OFFENSES—MISCELLANEOUS

No keeper of a place of public resort shall permit any breach of the peace or disturbance of public order or decorum by noisy, riotous and disorderly conduct on his premises, when it is in his power to prevent it. (Gen. Ords. 1959, §52.06)

Sec. 17-32. Disturbing religious worship, or other lawful assemblages.

(a) No person shall disquiet or disturb any congregation or assemblage met for religious worship by making a noise or by rude or indecent behavior, or profane discourses within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

(b) No person shall disturb any lawful assemblage of persons by rude or indecent behavior. (Gen. Ords. 1959, §§52.07, 52.08)

Secs. 17-33, 17-34. Reserved.

Editor's note—Sections 17-33 and 17-34, pertaining to loitering and vagrancy, and derived from Gen. Ords. 1959, §§52.07, 52.32, were repealed by Ord. No. 7007, §1, enacted March 3, 1983.

Sec. 17-35. Obstructing public ways by loitering.

It shall be unlawful for any person, after first being warned by a law enforcement officer, or where a "no loitering" sign or signs have been posted, to loiter, stand, sit or lie in or upon any public or quasi-public sidewalk, street, curb, crosswalk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon; nor shall any person block or obstruct, or prevent the free access to the entrance to any building open to the public. (Ord. 8260, 11-4-93)

Sec. 17-36. Disturbing noises prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which unreasonably or unnecessarily either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the city. The provisions of this section shall not apply to or be enforced against:

- (a) Any vehicle of the city while engaged in necessary public business.
- (b) Excavations or repairs of streets by or on behalf of the city, county or state at night when public welfare and convenience renders it impossible to perform such work during the day.
- (c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

Sec. 17-37. Conduct constituting disturbing noises.

The following activity, among others, shall constitute a violation of Section 17-36, but such enumeration shall not be exclusive:

- (a) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the city except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for an unreasonable period of time; the use of any signaling

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device, except a police whistle or one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is held up for any reason.

(b) *Radios, televisions, phonographs, etc.* The using, operating or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(c) *Loudspeakers, amplifiers, etc., for advertising.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure without a special permit from the mayor and council. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

(d) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.

(e) *Animals, birds, etc.* The keeping of any animal or bird which will disturb the comfort or repose of any persons in the vicinity by making long, continual or frequent noise.

(f) *Steam whistle or horn.* The blowing of any train whistle, steam whistle or horn attached to any stationary boiler or locomotive except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper city authorities.

(g) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(i) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicles, the delivery of goods or services, or the opening or destruction of bales, boxes, crates and containers.

(j) *Construction and repair work.* The exterior construction, demolition, alteration or repair of buildings involving the operation of machinery or equipment which causes loud or disturbing noise except between the hours of 7:00 a.m. and 8:00 p.m. on Monday through Saturday and between 9:00 a.m. and 8:00 p.m. on Sunday, and except for activities by governmental authorities or public utilities when the activities are in response to emergencies or otherwise in the interest of public health and safety.

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(k) *Schools, courts, churches, hospitals, residences.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session or adjacent to any hospital or in any residential area, and which unreasonably interferes with the work of such institution, or which disturbs or unduly annoys patients in the hospital; provided, that conspicuous signs are displayed about such institutions indicating the presence of such institutions.

(l) *Hawkers, peddlers, etc.* The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

(m) *Noises to attract attention.* The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale by creation of noise.

(n) *Transportation of metal rails, etc.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(o) *Pile drivers, hammers, etc.* The operation from 6:00 p.m. to 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise without a special permit from the mayor and council.

(p) *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(q) *Sound trucks.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes; the use of sound trucks for noncommercial purposes during such hours or in such places or with such volume as would constitute such use a public nuisance.

(r) *Automobile repair.* The doing of any activity in the course of repairing or altering a motor vehicle or equipment thereof, in the nighttime, which creates any disturbing noise audible on the premises of another.

(s) *Trash/sanitation services.* The pickup, servicing, loading, dumping, unloading, of any sanitation receptacle by a vehicle between the hours of 11:00 p.m. and 6:00 a.m. on weekdays and between the hours of 11:00 p.m. and 7:00 a.m. on Saturdays and Sundays.

(Ord. No. 8503, §1, 4-18-96; Ord. No. 9973, §1, 12-16-10)

Secs. 17-38. Harassment.

1. A person commits the crime of harassment if he or she:

(a) Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person; or